



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 6

FINANCIAL RESTRICTIONS PROCEEDINGS

CHAPTER 2

FINANCIAL RESTRICTIONS PROCEEDINGS

Rules of court, disclosure and related matters

68 Appointment of special advocate

- (1) The relevant law officer may appoint a person to represent the interests of a party to—
- (a) financial restrictions proceedings, or
 - (b) proceedings on an appeal, or further appeal, relating to financial restrictions proceedings,

in any of those proceedings from which the party (and any legal representative of the party) is excluded.

This is referred to in this Chapter as appointment as “a special advocate”.

- (2) A person appointed as a special advocate is not responsible to the party to the proceedings whose interests the person is appointed to represent.
- (3) The relevant law officer is—
- (a) in relation to financial restrictions proceedings in England and Wales, or on an appeal or further appeal relating to such proceedings, the Attorney General;
 - (b) in relation to financial restrictions proceedings in Scotland, or on an appeal or further appeal relating to such proceedings, the Advocate General for Scotland;

Status: This is the original version (as it was originally enacted).

- (c) in relation to financial restrictions proceedings in Northern Ireland, or on an appeal or further appeal relating to such proceedings, the Advocate General for Northern Ireland.
- (4) A person may be appointed as a special advocate only if—
- (a) in the case of an appointment by the Attorney General, the person has a general legal qualification for the purposes of section 71 of the Courts and Legal Services Act 1990 (c. 41);
 - (b) in the case of an appointment by the Advocate General for Scotland, the person is an advocate or a solicitor who has rights of audience in the Court of Session or the High Court of Justiciary by virtue of section 25A of the Solicitors (Scotland) Act 1980 (c. 46);
 - (c) in the case of an appointment by the Advocate General for Northern Ireland, the person is a member of the Bar of Northern Ireland.
- (5) Until the coming into force of section 27 of the Justice (Northern Ireland) Act 2002 (c. 26), references in this section to the Advocate General for Northern Ireland are to be read as references to the Attorney General for Northern Ireland.

The coming into force of that section does not affect any appointment of a person as a special advocate made by the Attorney General for Northern Ireland before that time.